

## POWER OF ATTORNEY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Falb <i>et al.</i>	Confirmation No.	2738
Serial No.:	09/970,820	Art Unit:	1636
Filed:	October 5, 2001	Examiner:	Burkhart, Michael D.
For:	COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE	Attorney Docket No.:	7853-248-999

**REVOCATION AND POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Brigham and Women's Hospital, Assignee, hereby revokes any and all previous powers and appoints:

☒ Practitioners at Customer Number 20583

as his/her/its/their attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence address for the above-identified application to:

☒ The above mentioned Customer Number.

☒ Firm or Individual Name:

Address: Jones Day

222 East 41st Street, New York, New York 10017

Telephonic: (212) 326-3939

## POWER OF ATTORNEY

I am the:



Applicant/Inventor



Co-Assignee, along with Millennium Pharmaceuticals, Inc., of the entire right, title and interest. See 37 CFR 3.71.

(Statement under 37 CFR 3.73(b) is applicable)

SIGNATURE of Applicant or Assignee of Record			
Date:	4/4/05	Signature:	<i>Vandana Desai</i>
		Typed Name:	VANDANA DESAI YAJNIK, Ph.D.
		Position/Title:	Associate Director Corporate Sponsored Research and Licensing

## Statement Under 37 C.F.R. 3.73(b)

Brigham and Women's Hospital states that it is the co-assignee, along with Millennium Pharmaceuticals, Inc., of the entire right, title, and interest in the invention and patent application identified above by virtue of an assignment from the inventor Michael A. Gimbrone, Jr. of the invention and patent application identified above to Brigham and Women's Hospital in Boston, Massachusetts, which was recorded in the United States Patent and Trademark Office on June 7, 1999, at Reel 010000, Frame 0817; and by virtue of an assignment from the inventor Dean A. Falb of the invention and patent application identified above to Millennium Pharmaceuticals, Inc., which was recorded in the United States Patent and Trademark Office on September 7, 1995 at Reel 007628, Frame 0775.

The above-identified application is co-owned with Millennium Pharmaceuticals, Inc., which has a principle place of business at 40 Landsdowne Street, Cambridge, Massachusetts 02139.



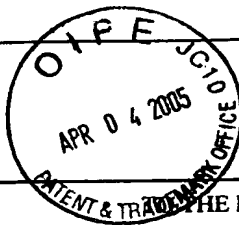
Copies of assignments or other documents in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE: Brigham and Women's Hospital

Date: 4/4/05      Signature: *Vandana Desai*  
 Typed Name: \_\_\_\_\_  
 Position/Title: VANDANA DESAI YAJNIK, Ph.D.  
 Associate Director  
 Corporate Sponsored  
 Research and Licensing



RECORDATION FORM COVER SHEET  
**PATENTS ONLY**

Attorney Docket Number  
7853-0131

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
Box Assignment  
Washington, DC 20231

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Michael A. Gimbrone, Jr.

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other \_\_\_\_\_

Execution Date: June 4, 1999

2. Name and address of receiving party(ies):

Name: Brigham and Women's Hospital

Address: 75 Francis Street  
Boston, MA 02115

Country (if other than USA): USA

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 09/176,330

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

PENNIE & EDMONDS LLP  
1667 K Street, N.W.  
Washington, D.C. 20006

6. Number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): .....\$ 40.00  
Please charge to the deposit account listed in Section 8.

8. Deposit account number:  
16-1150

**DO NOT USE THIS SPACE**

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Jonathan L. Klein

41,119

Name of Person Signing

Reg. No.

Jonathan Klein  
Signature

June 7, 1999  
Date

for Laura A. Coruzzi, Reg. No. 30,742

Total number of pages including cover sheet:

2

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignment  
Washington, D.C. 20231

## 1

☐ which is executed on ☒ even date herewith or ☐ \_\_\_\_\_

and WHEREAS, BRIGHAM AND WOMEN'S HOSPITAL, ASSIGNEE, an institution organized and existing under the laws of the State of Massachusetts and having an office for the transaction of business at 75 Francis Street, Boston, MA 02115, is desirous of obtaining my entire right, title and interest in, to and under the said invention and the said application:

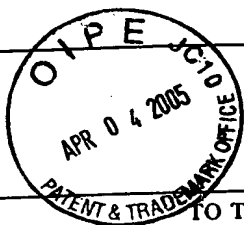
AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

unto set my hand and seal this 4 day of June  
Richard J. Santone Jr

In the State of Massachusetts, county of Worcester, on June 4, 1999, before me, Daniel E. Conroy, Notary Public, personally appeared Michael J. Guhring, Sr., personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Blairley Rana



RECORDATION FORM COVER SHEET  
PATENTS ONLY

Attorney Docket Number  
**7853-032-999**

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS

Box Assignments  
Washington, DC 20231

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**Dean A. Falb**

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: **September 1, 1995**

2. Name and address of receiving party(ies):

Name: **MILLENNIUM PHARMACEUTICALS, INC.**

Address: **640 Memorial Drive, Fifth Floor, Cambridge, Massachusetts 02139**

Country (if other than USA):

4. Application number(s) or patent number(s): **08/485,573**

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

**PENNIE & EDMONDS  
1667 K Street, N.W.  
Washington, D.C. 20006**

6. Number of applications

and patents involved: **one (1)**

7. Total fee (37 CFR 3.41):.....\$ **40.00**  
Please charge to the deposit account listed in Section 8.

8. Deposit account number:

**16-1150**

(A copy of this page is attached)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

**Wilma F. Triebwasser** **32,498**  
Name of Person Signing Reg. No.

*Wilma F. Triebwasser*  
Signature

**September 7, 1995**  
Date

Total number of pages including cover sheet:

**2**

ASSIGNMENT

WHEREAS, I, Dean A. Falb, ASSIGNOR, citizen of the United States, residing at 22 Cypress Road, Wellesley, Massachusetts, am the inventor of the invention in COMPOSITIONS AND METHODS FOR THE TREATMENT OF CARDIOVASCULAR DISEASE for which I have executed an application for a Patent of the United States

☐ which is executed on ☐ even date herewith or ☐ \_\_\_\_\_ (date)

☒ which is identified by Pennie & Edmonds docket no. 7853-032  
☒ which was filed on June 7, 1995, Serial No. 08/485,573

and WHEREAS, MILLENNIUM PHARMACEUTICALS, INC., ASSIGNEE is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

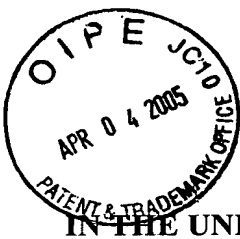
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 1st day of September, 1995.

Dean A. Falb L.S.

State of Massachusetts  
County of Middlesex SS.:

On this 1 day of September, 1995, before me, a Notary Public in and for the State and County aforesaid, personally appeared Dean A. Falb to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Rebecca J. Falb  
Notary Public.



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Falb <i>et al.</i>	Confirmation No.	2738
Serial No.:	09/970,820	Art Unit:	1636
Filed:	October 5, 2001	Examiner:	Burkhart, Michael D.
For:	COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE	Attorney Docket No.:	7853-248-999

**REVOCATION AND POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Millennium Pharmaceuticals, Inc., Assignee, hereby revokes any and all previous powers and appoints:

☒ Practitioners at Customer Number 20583

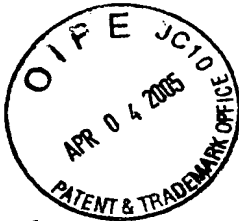
as his/her/its/their attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence address for the above-identified application to:

☒ The above mentioned Customer Number.

☒ Firm or Individual Name:

Address: Jones Day  
222 East 41st Street, New York, New York 10017  
Telephone: (212) 326-3939



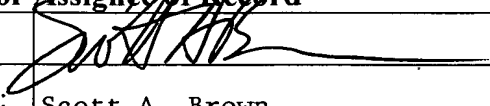
## POWER OF ATTORNEY

I am the:

- ☐ Applicant/Inventor  
☒ Co-assignee, along with Brigham and Women's Hospital, of the entire

interest. See 37 CFR 3.71.

*(Statement under 37 CFR 3.73(b) is applicable)*

<i>(Statement under 37 CFR 3.73(b) is applicable)</i>			
<b>SIGNATURE of Applicant or Assignee of Record</b>			
Date:	March 24, 2005	Signature:	
		Typed Name:	Scott A. Brown
		Position/Title:	Vice President and Chief Patent Counsel

**Statement Under 37 C.F.R. 3.73(b)**


Millennium Pharmaceuticals, Inc. states that it is the co-assignee, along with Brigham and Women's Hospital, of the entire right, title, and interest in the invention and patent application identified above by virtue of an assignment from the inventor Dean A. Falb of the invention and patent application identified above to Millennium Pharmaceuticals, Inc., which was recorded in the United States Patent and Trademark Office on September 7, 1995 at Reel 007628, Frame 0775; and by virtue of an assignment from the inventor Michael A. Gimbrone, Jr. of the invention and patent application identified above to Brigham and Women's Hospital in Boston, Massachusetts, which was recorded in the United States Patent and Trademark Office on June 7, 1999 at Reel 010000, Frame 0817.

The above-identified application is co-owned with Brigham and Women's Hospital in Boston, Massachusetts, which has a principle place of business at 75 Francis Street, Boston, Massachusetts 02115.

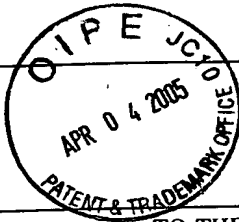
- ☒ Copies of assignments or other documents in the chain of title are attached.  
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

**ASSIGNEE: Millennium Pharmaceuticals, Inc.**

Date: March 24, 2005 Signature:   
Typed Name: Scott A. Brown  
Position/Title: Vice President and Chief Patent Counsel





RECORDATION FORM COVER SHEET  
PATENTS ONLY

Attorney Docket Number  
**7853-032-999**

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
Box Assignments  
Washington, DC 20231

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**Dean A. Falb**

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: **September 1, 1995**

2. Name and address of receiving party(ies):

Name: **MILLENNIUM PHARMACEUTICALS, INC.**

Address: **640 Memorial Drive, Fifth Floor, Cambridge, Massachusetts 02139**

Country (if other than USA):

4. Application number(s) or patent number(s): **08/485,573**

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

**PENNIE & EDMONDS  
1667 K Street, N.W.  
Washington, D.C. 20006**

6. Number of applications and patents involved: **one (1)**

7. Total fee (37 CFR 3.41):.....\$ **40.00**  
Please charge to the deposit account listed in Section 8.

8. Deposit account number:  
**16-1150**  
(A copy of this page is attached)

DO NOT USE THIS SPACE

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*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

**Wilma F. Triebwasser** **32,498**  
Name of Person Signing Reg. No.

*Wilma F. Triebwasser*  
Signature

**September 7, 1995**  
Date

Total number of pages including cover sheet:

**2**

ASSIGNMENT

WHEREAS, I, Dean A. Falb, ASSIGNOR, citizen of the United States, residing at 22 Cypress Road, Wellesley, Massachusetts, am the inventor of the invention in COMPOSITIONS AND METHODS FOR THE TREATMENT OF CARDIOVASCULAR DISEASE for which I have executed an application for a Patent of the United States

☐ which is executed on ☐ even date herewith or ☐ \_\_\_\_\_ (date)

☒ which is identified by Pennie & Edmonds docket no. 7853-032  
☒ which was filed on June 7, 1995, Serial No. 08/485,573

and WHEREAS, MILLENNIUM PHARMACEUTICALS, INC., ASSIGNEE is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

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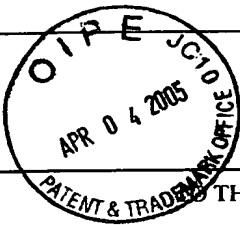
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 1st day of September, 1995.

Dean A. Falb L.S.

State of Massachusetts  
County of Middlesex SS.:

On this 1 day of September, 1995, before me, a Notary Public in and for the State and County aforesaid, personally appeared Dean A. Falb to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Rebecca [Signature]  
Notary Public.



RECORDATION FORM COVER SHEET  
**PATENTS ONLY**

Attorney Docket Number  
7853-0131

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
Box Assignment  
Washington, DC 20231

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Michael A. Gimbrone, Jr.

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other \_\_\_\_\_

Execution Date: June 4, 1999

2. Name and address of receiving party(ies):

Name: Brigham and Women's Hospital

Address: 75 Francis Street  
Boston, MA 02115

Country (if other than USA): USA

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 09/176,330

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

PENNIE & EDMONDS LLP  
1667 K Street, N.W.  
Washington, D.C. 20006

6. Number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): .....\$ 40.00  
Please charge to the deposit account listed in Section 8.

8. Deposit account number:  
16-1150

**DO NOT USE THIS SPACE**

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Jonathan L. Klein

41,119

Name of Person Signing

Reg. No.

Jonathan L. Klein  
Signature

June 7, 1999  
Date

for Laura A. Coruzzi, Reg. No. 30,742

Total number of pages including cover sheet:

2

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignment  
Washington, D.C. 20231

۵

☐ which is executed on ☒ even date herewith or ☐ \_\_\_\_\_

☒ which is identified by Pennie & Edmonds LLP docket no. 7853-131

☒ which was filed on October 22, 1998, Application No. 09/176,330

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

**AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.**

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 4 day of June, 1999.

State of Massachusetts ) SS.:  
County of Middlesex

**WITNESS** my hand and official seal

Samuel J. Hamner



Express Mail No. EV 456 919 625 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Falb <i>et al.</i>	Confirmation No.	2738
Serial No.:	09/970,820	Art Unit:	1636
Filed:	October 5, 2001	Examiner:	Burkhart, Michael D.
For:	COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE	Attorney Docket No.	7853-248-999

**CHANGE OF CORRESPONDENCE ADDRESS**

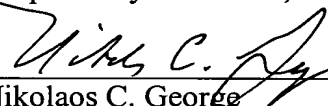
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Please recognize, under 37 C.F.R. § 1.34, the firm name, address, telephone number, and telefax number of Customer Number:

**\*20583\***

The undersigned is the attorney of record, pursuant to a Revocation and Power of Attorney executed by the Assignees of Record, filed herewith.

Date:	<u>April 4, 2005</u>	Respectfully submitted,
		
		(Reg. No. 39,201)
		Nikolaos C. George
		<b>JONES DAY</b>
		222 East 41st Street
		New York, New York 10017
		(212) 326-3939

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Falb <i>et al.</i>	Confirmation No.:	2738
Serial No.:	09/970,820	Art Unit:	1636
Filed:	October 5, 2001	Examiner:	MICHAEL D BURKHART
For:	COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE	Attorney Docket No:	7853-0248-999 (709181-999242)

**STATEMENT OF ATTORNEYS FOR APPLICANT REGARDING  
PERMANENCE AND AVAILABILITY OF DEPOSITED MICROORGANISMS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, attorneys for the Applicants in the above-captioned application, declare and state that:

1. We represent Millennium Pharmaceuticals, Inc., co-assignee of the above-captioned patent application, having a place of business at 40 Landsdowne Street, Cambridge, Massachusetts 02139.
2. On June 6, 1995, *E. Coli* strain FCHD523 carrying plasmid pFCHD523 that contains the entire coding region of rchd523, has been deposited with the Agricultural Research Service Culture Collection (NRRL), 1815 North University Street, Peoria, Illinois, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, on behalf of Millennium Pharmaceuticals, Inc. The deposited microorganism was assigned accession number B-21458.
3. For the clone strain and plasmid referred to in paragraph 2, the deposited biological material is the same biological material identified as FCHD523 in the above-identified application as filed.
4. We hereby assure the United States Patent and Trademark Office and the public that:

(a) access to the biological material will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such biological material under 37 C.F.R. § 1.14 and 35 U.S.C. § 122;

(b) all restrictions on the availability to the public of the biological material referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which such biological materials are the subject;

(c) the biological material will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of the deposited biological materials was received by the NRRL and, in any case, for a period of at least 30 years after the date of deposit;

(d) a test of the viability of the biological material at the time of deposit has been made pursuant to 37 C.F.R. § 1.807; and

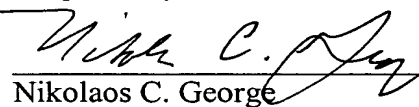
(e) should the deposited biological material become non-viable, they will be replaced by the Assignee.

5. Attached hereto as Exhibit 1 is the deposit receipt, viability statement, and accompanying cover letter, dated June 12, 1995 from the NRLL, demonstrating that *E. Coli* strain FCHD523 carrying plasmid pFCHD523 that contains the entire coding region of *rchd523*, and having accession number B-21458, was deposited on June 6, 1995, and found viable when tested on June 12, 1995.

6. We hereby declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that we make these statement with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1011 of Title 18 of the jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: April 4, 2005



Nikolaos C. George  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

39,201  
(Reg. No.)

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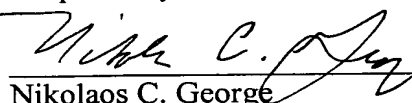
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United States  
Department of  
Agriculture

cultural  
Research  
Service

Midwest Area  
National Center  
for Agriculture  
Utilization Research

1815 North University Street  
Peoria, Illinois 61604  
Telephone: 309-685-4011  
FAX: 309-681-6686

MICROBIAL PROPERTIES RESEARCH DIRECT FAX LINE 309-681-6672

June 12, 1995

Mr. S. L. Misrock  
c/o Pennie and Edmonds  
1155 Avenue of the Americas  
New York, NY 10036

Dear Mr. Misrock:

Your check for \$1,000 arrived on June 6 for the deposit under the Budapest Treaty of the below-listed strains into the ARS Patent Culture Collection. Therefore, I am now able to send you the International Receipt Forms (BP/4) and the Viability Statements for:

Name	Strain Designation	NRRL Number
<i>Escherichia coli</i>	FCHE523	B-21458
<i>Escherichia coli</i>	FCHE534	B-21459

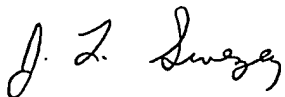
Furthermore, insofar as is practicable in carrying out the business of the Department of Agriculture, we shall refrain from distributing progeny of these strains pending the issuance of the U.S. Patent to your company, with the exceptions, however, that: (1) Access to the progeny of these strains by other parties will be granted upon receipt of written authorization from your company specifying the name and Agricultural Research Service Culture Collection (NRRL) designation (NRRL number) of the strain and identifying the party who is to receive it; (2) with reference to 886 O.G. 638 progeny of these strains will be available during pendency of the patent application to one determined by the Commissioner of Patents to be entitled thereto under 37 CFR 1.14 of the Rules of Practice in Patent Cases and 35 U.S.C. 122; and (3) access to progeny of these strains shall also be granted under the conditions as stated in rule 11 (11.1, 11.2, and 11.3) of the Budapest Treaty. All restrictions on the availability of progeny of the strains to the public will be irrevocably removed upon the granting of the U.S. Patent(s) of which the strains are the subject. The strains will be maintained for a period of at least 5 years after the most recent request for the furnishing of a sample of the deposited microorganism by the Agricultural Research Service Culture Collection and, in any case, for a period of at least 30 years after the date of the deposit. During this period all care necessary shall be taken to keep these strains viable and uncontaminated.

Mr. S. L. Misrock

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I will send under separate cover our lyophilized preparations for these strains. As soon as you confirm the equivalency of these preparations to your original deposits, complete, sign, and return the original Viability Statements to me.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. L. Swezey".

J. L. Swezey, Curator  
ARS Patent Culture Collection  
Microbial Properties Research

Enclosures:  
International Receipt Form  
Viability Statement

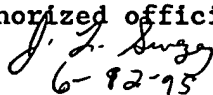
BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO  
Pennie and Edmonds  
ATTN: Mr. S. Leslie Misrock  
1155 Avenue of the Americas  
New York, NY 10036-2711

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

NAME AND ADDRESS  
OF DEPOSITOR

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR:  <i>Escherichia coli</i> FCHD523	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  B-21458
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I. above was accompanied by: <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on June 6, 1995 (date of the original deposit) <sup>1</sup>	
<b>IV. RECEIPT OF REQUEST FOR CONVERSION</b>	
The microorganism identified under I. above was received by this International Depositary Authority on _____ (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion)	
<b>V. INTERNATIONAL DEPOSITARY AUTHORITY</b>	
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: 6-9-95

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

INTERNATIONAL FORM

TO  
Pennie and Edmonds  
ATTN: Mr. S. Leslie Misrock  
1155 Avenue of the Americas  
New York, NY 10036-2711

VIABILITY STATEMENT  
issued pursuant to Rule 10.2 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM  
THE VIABILITY STATEMENT IS ISSUED

I. DEPOSITOR		II. IDENTIFICATION OF THE MICROORGANISM	
Name: Pennie and Edmonds ATTN: Mr. S. Leslie Misrock 1155 Avenue of the Americas Address: New York, NY 10036-2711		Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  <i>Escherichia coli</i> B-21458  Date of: June 6, 1995 <sup>1</sup>  <input checked="" type="checkbox"/> <sup>2</sup> Original Deposit <input type="checkbox"/> <sup>2</sup> New Deposit <input type="checkbox"/> <sup>2</sup> Repropagation of Original Deposit	
III. (a) VIABILITY STATEMENT			
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on June 7, 1995 (Date) International Depositary Authority's preparation was found viable on June 9, 1995 (Date) <sup>3</sup>			
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION			
Depositor determined the International Depositary Authority's preparation was <input type="checkbox"/> <sup>2</sup> Equivalent <input type="checkbox"/> <sup>2</sup> Not equivalent to deposit on _____ (Date)  Signature of Depositor _____			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositors/Depository) <sup>4</sup>			
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.		Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: <i>J. L. Sney</i> 6-12-95	

<sup>1</sup> Indicate the date of the original deposit or when a new deposit has been made.

<sup>2</sup> Mark with a cross the applicable box.

<sup>3</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>4</sup> Fill in if the information has been requested.